

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JACQUIN ENRIQUE TAYLOR,

Plaintiff,

v.

PERRY RUSSELL,

Defendant.

Case No. 3:21-cv-00434-ART-CSD

ORDER

This action began with a pro se civil rights complaint filed under 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 4). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on February 28, 2022. (ECF No. 7). The Court later ordered that this action will proceed only on the Eighth Amendment claim for unconstitutional conditions of confinement against Defendant Perry Russell, and it imposed a 90-day stay for the parties to settle their differences. (ECF No. 8). The Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 12). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 12).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 4) is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid under 28 U.S.C. § 1915(b)(2).

2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor.

1           3. Pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform  
2 Act, the Nevada Department of Corrections will forward payments from the account of  
3 **JACQUIN TAYLOR, #1010591** to the Clerk of the United States District Court, District of  
4 Nevada, 20% of the preceding month's deposits (in months that the account exceeds  
5 \$10) until the full \$350 filing fee has been paid for this action. The Clerk of the Court will  
6 send a copy of this order to (1) the Finance Division of the Clerk's Office and (2) the  
7 attention of **Chief of Inmate Services for the Nevada Department of Corrections**, P.O.  
8 Box 7011, Carson City, NV 89702.

9           4. The Clerk of the Court shall electronically **SERVE** a copy of this order and  
10 a copy of Plaintiff's complaint (ECF No. 9) on the Office of the Attorney General of the  
11 State of Nevada by adding the Attorney General of the State of Nevada to the docket  
12 sheet. This does not indicate acceptance of service.

13           5. Service must be perfected within ninety (90) days from the date of this order  
14 under Fed. R. Civ. P. 4(m).

15           6. Subject to the findings of the screening order (ECF No. 7), within 21 days  
16 of the date of entry of this order, the Attorney General's Office shall file a notice advising  
17 the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service;  
18 (b) the names of the defendants for whom it does not accept service, and (c) the names  
19 of the defendants for whom it is filing the last-known-address information under seal. As  
20 to any of the named defendants for whom the Attorney General's Office cannot accept  
21 service, the Office shall file, under seal, but shall not serve the inmate Plaintiff the last  
22 known address(es) of those defendant(s) for whom it has such information. If the last  
23 known address of the defendant(s) is a post office box, the Attorney General's Office shall  
24 attempt to obtain and provide the last known physical address(es).

25           7. If service cannot be accepted for any of the named defendant(s), Plaintiff  
26 shall file a motion identifying the unserved defendant(s), requesting issuance of a  
27 summons, and specifying a full name and address for the defendant(s). For the  
28

1 defendant(s) as to which the Attorney General has not provided last-known-address  
2 information, Plaintiff shall provide the full name and address for the defendant(s).

3 8. If the Attorney General accepts service of process for any named  
4 defendant(s), such defendant(s) shall file and serve an answer or other response to the  
5 complaint (ECF No. 9) within 60 days from the date of this order.

6 9. Plaintiff shall serve upon defendant(s) or, if an appearance has been  
7 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other  
8 document submitted for consideration by the Court. If Plaintiff electronically files a  
9 document with the Court's electronic-filing system, no certificate of service is required.  
10 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff  
11 mails the document to the Court, Plaintiff shall include with the original document  
12 submitted for filing a certificate stating the date that a true and correct copy of the  
13 document was mailed to the defendants or counsel for the defendants. If counsel has  
14 entered a notice of appearance, Plaintiff shall direct service to the individual attorney  
15 named in the notice of appearance, at the physical or electronic address stated therein.  
16 The Court may disregard any document received by a district judge or magistrate judge  
17 which has not been filed with the Clerk, and any document received by a district judge,  
18 magistrate judge, or the Clerk which fails to include a certificate showing proper service  
19 when required.

20 10. This case is no longer stayed.

21 DATED: July 6, 2022.

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UNITED STATES MAGISTRATE JUDGE